

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

CHRISTOPHER BAILEY,

Plaintiff,

v.

CIVIL ACTION NO. 6:13-cv-29150

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court are the parties' Motions for Judgment on the Pleadings. (ECF 10 & 11.) By Standing Order entered on April 8, 2013, and filed in this case on December 1, 2013, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF 4.) Magistrate Judge VanDervort filed his PF&R on January 30, 2015, which recommends that this Court grant Plaintiff's Motion for Judgment on the Pleadings, (ECF 10), deny Defendant's Motion for Judgment on the Pleadings, (ECF 11), reverse the final decision of the Commissioner of the Social Security Administration ("Commissioner") denying Plaintiff's application for supplemental security income, remand this matter for further proceedings, and dismiss this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file

timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due by February 17, 2015. To date, no objections were filed.

Accordingly the Court **ADOPTS** the PF&R, **GRANTS** Plaintiff's Motion for Judgment on the Pleadings, (ECF 10), **DENIES** Defendant's Motion for Judgment on the Pleadings, (ECF 11), **REVERSES** the final decision of the Commissioner, **REMANDS** this matter for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISSES** this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTERED: February 23, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE